

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

_____X

In Re:
Germaine Gales
Debtor

Case No 07-23005 (ASH)
Chapter 13

_____X
Germaine Gales
Plaintiff

Adv. Proc. No. 08-

--v--

Andrew Bartok, Kathleen Kelly
Revelations
National Foreclosure Relief
Defendants
_____X

COMPLAINT

1. Plaintiff, Germaine Gales, by its attorneys, Law office of Shmuel Klein, PC complaining of the defendants Andrew Bartok, National Foreclosure Relief and Revelations , respectfully shows to the Court and alleges:
2. Jurisdiction of this Court over the instant adversary proceeding is based upon 28 U.S.C. §§ 1334 and 11 USC §523, §505 and §727 in that this action arises in and relates to the bankruptcy case of Germaine Gales, Chapter 13 filed on October 18, 2007. This proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (E).
3. Venue in this Court is proper pursuant to 28 U.S.C. §1409(a).
4. Plaintiff, Germaine Gales, is an individual residing in the State of New York.
5. Revelations and National Foreclosure Relief (“NFR” and “Revelations”) are petition preparers pursuant to 11 USC 110.
6. In or about October of 2007, the Plaintiff paid to Andrew Bartok, Kathleen Kelly and “Revelations” \$1805.00 to help him “stop a foreclosure”.

7. On or about June 27, 2007, Plaintiff paid to NFR \$4000.00 to “stop a foreclosure” on the Plaintiff’s home.

8. Instead of assisting Plaintiff, NFR refused to further communicate with Plaintiff. Revelations and Bartok then stated that they would file a Chapter 13 petition.

Unbeknownst to Plaintiff, it was filed as a pro se filing, devoid of any of the required disclosures of §110 and grossly misstated numerous facts within the Debtors schedules. Further, the defendants gave plaintiff legal advice concerning filing the petition and stopping the foreclosure.

9. On or about November 13, 2007, Plaintiff retained the Law Office of Shmuel Klein, PC to represent him and to amend numerous schedules causing Plaintiff to expend an additional \$1500.00 as a result of Defendants willful and negligent acts. As a result therefore, the papers filed by the defendants were worthless.

COUNT I — FOR RETURN OF FEES TO THE DEBTOR

10. Plaintiff repeats and reiterates all facts contained in paragraphs 1-9 above.

11. Pursuant to §110(h)(3) Defendants are required to turn over all funds paid by Plaintiff to the Defendants to the Chapter 13 Trustee.

12. The fees charged are also excessive for typing, the only service for which petition preparers are eligible to be paid.

COUNT II - TO IMPOSE FINES FOR VIOLATIONS OF 11 U.S.C. § 110

13. Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1-9 above

14. Revelations and Andrew Bartow did not disclose that they acted as a petition preparer in this case and, therefore, did not sign or print on any of the bankruptcy

documents his name, address and social security number. By reason of the above Revelations is subject to fines in an amount as large as \$2000.00 pursuant to 11 U.S.C. §§ 110 (i)(1) and 110(j)(1).

13. Section 110(g)(1) of Title 11, United States Code, requires a bankruptcy petition preparer not to "collect or receive any payment from the debtor or on behalf of the debtor for the court fees in connection with tiling the petition? See notes Fed. R. P. 1006(c).

Pursuant to 11 USC. § 110(h)(2) a petition preparer who violates Section 110(h)(3)(B) must be forfeited.

WHEREFORE, the Plaintiff requests the Court to enter a judgment order directing bankruptcy petition preparers Andrew Bartok, National Foreclosure Relief, and Revelations to refund all monies paid by the Plaintiff/Debtor, for fines for each and every violation, for costs and attorney fees, for injunctive relief preventing the Defendants from further acting in this jurisdiction and for such other relief as is just.

DATED: February 5, 2008
Spring Valley, NY

_____/s/_____
Shmuel Klein (SK 7212) Fed Court Only
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